

## Section 10.6: Disposition of Certain Special Acts

### (a) Certain Acts Recognized and Retained

1951 - 369	<b>An Act Relative To The Hours Of Duty Of Permanent Members Of The Fire Department In The Town Of Amherst.</b>	<p>Section 1. The hours of duty of the permanent members of the uniformed fire fighting force in the town of Amherst, upon acceptance of this act as hereinafter provided, shall be so established by the chief of the fire department that the average weekly hours of duty in any year, other than hours during which such members may be summoned and kept on duty because of conflagrations, shall not exceed fifty-six in number. Sections fifty-six, fifty-seven, fifty-eight A and fifty-nine of chapter forty-eight of the General Laws shall not apply to the permanent members of the uniformed fire fighting force in said town.</p> <p>Section 2. This act shall be submitted for acceptance to the voters of said town at its next annual town meeting in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: - "Shall an act passed by the General Court in the year nineteen hundred and fifty-one, providing for a fifty-six hour week for the permanent members of the fire department of this town, be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise. Approved June 7, 1951.</p>
1970 - 418	<b>An Act Providing That The Chairman Of The Board Of Selectmen Of The Town Of Amherst Be Member Ex Officio, Without Voting Power, Of The Board Of Trustees Of The University Of Massachusetts.</b>	<p>Section 1. Section 1A of chapter 15 of the General Laws is hereby amended by striking out, in line 5, as appearing in section 2 of chapter 572 of the acts of 1965, the words "all the members of said board" and inserting in place thereof the words:—the members of said board having voting power.</p> <p>Section 2. Section 20 of said chapter 15, as most recently amended by section 1 of chapter 846 of the acts of 1969, is hereby further amended by inserting after the word "health", the second time it appears in line 4, the words: — , the chairman of the board of selectmen of the town of Amherst who shall not have voting power.</p> <p>Approved June 10, 1970.[Charter: Council to elect one of its members to serve]</p>
1972 - 512	<b>An Act Relative To The Jones Library, Incorporated, In The Town Of Amherst.</b>	<p>Section 1. The inhabitants of the town of Amherst are hereby authorized to elect six members of the board of trustees of the town library for three-year terms arranged so that two are elected each year except that at the annual town election in nineteen hundred and seventy-three one shall be elected for one year, one for two years and two for three years, the then incumbent and previously elected trustees of The Jones Library, Incorporated to serve out the remainder of their allotted three-year terms and shall, while so serving, be members of said board. For any such term and as it expires a member of such board shall be elected for three years at the next ensuing annual town election. A vacancy in either such trustee position shall be filled by joint action of the remaining board members with the board of selectmen of such town until its next annual town election. The</p>

		<p>town treasurer shall act as treasurer of said town library, but not of The Jones Library, Incorporated.</p> <p>Section 2. Chapter 96 of the Special Acts of 1919 is hereby amended by striking out section 5 and inserting in place thereof the following section:—</p> <p>Section 5. After the annual town election in nineteen hundred seventy-three those who are town library trustees for the time being shall constitute the trustees of the corporation.</p> <p>Section 3. Section 2 of said chapter 96 is hereby amended by adding the following paragraph:—</p> <p>After the annual town election in nineteen hundred seventy-three the corporation is authorized to delegate to the board of trustees of the town library the operation of the corporation's library, the use and maintenance of its library premises and other tangible property, and part or all of the income from its endowment fund and from trust or other funds after deducting custodial and management expenses thereof, all to the extent and under such terms as the corporation may determine; but the foregoing authorization shall not authorize a transfer of any part of the principal of the corporation's endowment, trust or other special funds except for the enlargement, alteration or construction of buildings owned or to be owned by the corporation. In any transfer of library operations each appropriately affected full-time employee of the corporation shall become an employee of the town, as of the transfer date agreed to by the corporation and said board, on terms at least as favorable to the employee as his then current contract with the corporation. The corporation shall, and is hereby authorized to, expend its funds to assure that no employee suffers financial detriment because of such transfer to town employment. Employees in the town library system shall be classified and receive pay benefits as provided in the town's personnel bylaw and amendments thereof, while it is in effect, or such other personnel classification system, if any, as' may be applicable generally to the town's employees.</p> <p>Section 4. The board of trustees of the town library is authorized to receive funds from The Jones Library, Incorporated, and spend</p> <p>Acts, 1972. — Chap. 512. 317</p> <p>them together with funds appropriated by the town for libraries and with funds received from other sources, as a single fund without reference to source, for the operation of a free public library in the town except that trust fund income received from any source shall be used by said board only for the purposes designated in each case as to the trust of its origin.</p> <p>Section 5. Any public building, with appurtenant land, owned by said town may by vote of the town meeting be turned over to the custody of the board of trustees of the town library to be used as part of a free public library; and said board may receive custody of, manage and maintain, any premises or tangible property of, and turned over to it by, The Jones Library, Incorporated. Said board may use town funds for the maintenance, repair and enlargement of property of The Jones Library, Incorporated, while in the custody of said board.</p>
--	--	---

		<p>Section 6. Section 3 of chapter 11 of the acts of 1951 is hereby amended by striking out, in line 3, the words "Jones Library" and inserting in place thereof the words:—town library.</p> <p>Section 7. Subsection (a) of section 11 of said chapter 11 is hereby amended by striking out, in line 6, the words "Jones Library" and inserting in place thereof the words:—town library.</p> <p>Section 8. Said section 11 of said chapter 11 is hereby amended by striking out subsection (h) and inserting in place thereof the following subsection:—</p> <p>(h) The town manager shall have jurisdiction over the rental and use of all town property except school property and property under the control of the trustees of the town library, and shall be responsible for the maintenance and repair of all town buildings except school property and property under the control of said trustees. He shall be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings other than school buildings and buildings under the control of said trustees. He shall maintain and repair school buildings if and to the extent that the school committee so requests; and he shall maintain and repair buildings under the control of said trustees if and to the extent that they so request.</p> <p>Section 9. Said section 11 of said chapter 11 is hereby further amended by striking out subsection (i) and inserting in place thereof the following subsection:—</p> <p>(i) The town manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments of the town except -the public schools and the town library unless, and to the extent that, the school committee or the trustees of the town library, as the case may be, so request. He shall make purchases for departments not under his supervision only upon requisition duly signed by the head of such department.</p> <p>Section 10. The Jones Library, Incorporated is authorized to receive from any source, property, real or personal, or funds, by gift, bequest, devise or otherwise, before or after the effective date of this act, and property or funds so received shall be subject to the provisions of this act applicable to property so acquired by it before such date. A gift for library purposes in Amherst designated as for</p> <p>318 Acts, 1972. — Chaps. 513, 514.</p> <p>The Jones Library, the trustees of The Jones Library, or any similar variation of its title shall be construed as intended for The Jones Library, Incorporated.</p> <p>Section 11. The power granted by this act shall be exercised only in conformity with such decree, if any, of the probate court for the county of Hampshire, sitting in equity, or any other court of competent jurisdiction, as may be entered within nine months of the effective date of this act; provided that all the authority conferred by this act is hereby declared to be limited to such authority as the general court may constitutionally grant. Approved June 28, 1972. [Charter: repeal of certain provisions of Chapter 216 of Acts of 2001 remains in effect]</p>
1973 - 455	?	
1984 - 416	<b>An Act Allowing The Employees Of The Town Of Amherst To Convert Certain Benefits.</b>	Notwithstanding any general or special law to the contrary, the town of Amherst is hereby authorized to amend its by-laws pertaining to the administration of personnel to permit the personnel board to make available to the employees of

		<p>said town, in accordance with the provisions of said by-laws, a limited right to elect conversion of accrued vacation and sick leave to other employee benefits such as disability insurance, additional term life insurance, vision care, day care or preschool expense, deferred compensation, physical examinations, dental care, twenty-five per cent health insurance contribution, health or spa club expenses, individual retirement accounts, financial planning or health promotion activities.</p> <p>Approved December 27, 1984</p>
1986 - 72	<b>An Act Authorizing The Town Of Amherst To Establish Housing Review Board.</b>	<p>SECTION 1. Declaration of Emergency. The general court finds and declares that a serious public emergency exists in the town of Amherst with respect to availability and quality of the housing of a substantial number of town residents. This emergency has been caused by the rapid inflation in the costs of new housing construction; by prolonged high interest rates which have retarded new housing construction; by the substantial increase in the town's student population since the year nineteen hundred and sixty; and by increases in residential mortgage rates, which have made home ownership more difficult or impossible, especially for low- and moderate-income families and elderly persons on fixed incomes. The general court further finds that because of the continuing critical shortage of rental housing accommodations, abnormally high rents have resulted and, unless residential rents become subject to review and control on a case-by-case basis, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to public health, safety, and general welfare of the residents of the town of Amherst, particularly the low- and moderate-income families and elderly persons on fixed incomes; and that such emergency should be met by the general court immediately with due regard for the rights and responsibilities of the town of Amherst.</p> <p>SECTION 2. Definitions. The following words or phrases as used in this act, and in the by-law established hereunder, shall have the following meanings:-</p> <p>(a) "Rental unit", any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, including houses, apartments, rooming or boarding house units, and other properties used for living or dwelling purposes, together with all services connected with the use or occupancy of such property.</p> <p>(b) "Rent", the consideration, including any bonus, benefits, or gratuity demanded or received for or in connection with the use or occupancy of a rental unit or the transfer of a lease of such a rental unit.</p> <p>(c) "Services", repairs, replacement, maintenance, painting, providing light, heat, hot and cold water, elevator services, window shades and screens, storage, kitchen, bath, and laundry facilities and privileges, janitor services, refuse removal, furnishings, parking, and any other benefit, privilege, or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a</p>

	<p>proportionate part of services provided to common facilities of the building in which the rental unit is contained.</p> <p>(d) "Landlord", includes an owner, lessor, sub-lessor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of a rental unit, or an agent of any of the foregoing.</p> <p>(e) "Tenant", includes a sub-tenant, lessee, sub-lessee, or other person entitled to the possession, use, or occupancy of a rental unit.</p> <p>(f) "Person", includes an individual, corporation, partnership, association, or any other organized group of persons, a legal successor or representative of the foregoing.</p> <p>(g) "Petition", a formal written statement on a form approved by the housing review board requesting specific relief and setting forth the relevant facts and reasons therefor.</p> <p>SECTION 3. Housing Review Board, (a) The town of Amherst is hereby authorized to establish, by a by-law not inconsistent with this act, a housing review board, herein referred to as the board.</p> <p>(b) The board shall consist of five members who shall be residents of the town of Amherst. The board members shall be appointed by the town manager and approved by the board of selectmen to serve without compensation. Three members shall be appointed to two-year terms and two members shall be appointed to one-year terms. Thereafter, as the terms of the appointed members expire, their successors shall be appointed to serve two year terms. Vacancies, other than by expiration of terms, shall be filled for the balance of the term by the town manager, with the approval of the board of selectmen. Every member, unless sooner removed, shall serve until the qualification of a successor.</p> <p>(c) Three members of the board shall constitute a quorum.</p> <p>(d) The board shall accept petitions as provided herein on forms approved by the board, and shall determine: the fair and reasonable net operating income as provided in section four and in accordance with standards set forth therein, and whether the rent level is reasonable in relation to that fair and reasonable net operating income.</p> <p>(e) The board shall promulgate rules and regulations for the conduct of its business as are allowed and are consistent with the provisions of this act and with the provisions of the by-law established hereunder.</p>
--	--

		<p>(f) The board shall secure such information and conduct such studies, either directly or through other municipal agencies, and may summons such persons, papers, or documents as it finds necessary for the performance of its duties.</p> <p>(g) The board shall have jurisdiction to accomplish the purpose of this act and the by-law established hereunder over all rental units in the town of Amherst except:</p> <p>(1) rental units in hotels, motels, inns, and tourist homes which are rented primarily to transient guests for periods of less than fourteen days, and rental units in rooming or boarding houses in which the tenant petitioner has resided for a period of three months or less;</p> <p>(2) rental units which a governmental unit, agency, or authority either owns, operates, regulates, insures the mortgage of, finances, or subsidizes; or rental units with respect to which the application of this act or by-law would constitute an inconsistency or conflict with any federal or state statute, regulation or other law; or rental units which a governmental unit, agency or authority finances or subsidizes, if the imposition of rent regulation would result in the cancellation or</p> <p>withdrawal, by law, of such financing or subsidy;</p> <p>(3) rental units in any hospital, convent, monastery, asylum, public institution, or college or school dormitory used exclusively for charitable or educational purposes;</p> <p>(4) rental units in nursing homes and rest homes for the aged; and</p> <p>(5) rental units in owner-occupied one, two, or three-family dwellings, (h) The board shall provide in writing a comprehensive annual report</p> <p>of its activities to the annual town meeting.</p> <p>(1) The board may, on its own motion or upon the request of the landlord or a tenant petitioning the board, join the petitions for a consolidated hearing.</p> <p>(j) If the board shall determine that a rental unit which is before it for decision is comparable to other rental unit or units within the building or complex, it shall have the authority to render decisions which shall apply to said other unit or units by first giving seven days written notice to the landlord and the tenant or tenants of such other unit or units, stating that they have the right to appear and be heard. The board's decision shall take into adequate account the degree of comparability.</p> <p>SECTION 4. Standards, (a) The board shall regulate or modify rent levels when it has determined the fair and reasonable net operating income as provided in this</p>
--	--	---

		<p>section and in accordance with standards set forth herein, and has determined that the rent level is not reasonable in relation thereto.</p> <p>(b) The following factors, which the board by regulation shall define, shall be considered in determining whether a rent level of a rental unit yields a fair and reasonable net operating income:</p> <p>(1) Increases or decreases in property taxes and assessments;</p> <p>(2) Unavoidable increases or any decreases in operating and maintenance expenses;</p> <p>(3) Capital improvement of the rental unit as distinguished from ordinary repair, replacement, and maintenance;</p> <p>(4) Increases or decreases in living space, services, furniture, furnishings, or equipment;</p> <p>(5) Substantial deterioration of the rental unit other than as a result of ordinary wear and tear; and</p> <p>(6) Failure to perform ordinary repair, replacement, and maintenance. The board shall consider all factors which it deems relevant to its determination of the fair and reasonable net operating income, including but not limited to, those enumerated in this subsection.</p> <p>(c) The board shall deny rent increases when it determines that the affected premises do not comply with chapter two of the State Sanitary Code, the State Building Code, or any other applicable municipal code, by-law, or state law, regulating the conditions of residential housing accommodations and that the landlord has received notice of such noncompliance and has not, within seven days of receipt of such notice, taken appropriate steps to cause the unit to become compliant with such law.</p> <p>(d) The board shall deny a rent increase in any tenancy at will where it finds that the landlord has not served the tenant at will with a written notice to quit including an offer to establish a new tenancy pursuant to section twelve of chapter one hundred and eighty-six of the General Laws.</p> <p>(e) The board may allow a rent increase if it determines that the tenant is more than thirty days in arrears in tendering rent, unless such arrearage is due to a withholding of rent pursuant to, and in compliance with, the provisions of section one hundred and twenty-seven L of chapter one hundred and eleven or section eight A of chapter two hundred and thirty-nine of the General Laws.</p>
--	--	--

		<p>SECTION 5. Hearings, (a) Within thirty days of receipt of a petition of a tenant presenting a dispute concerning a rent level in a unit which is not exempt under section three of this act, or under the by-law established hereunder, or a petition of a landlord or tenant requesting modification of an order of the board, the board shall conduct a hearing to settle said dispute in a fair and equitable manner and to adjust the rent level of the rental unit involved if the rent level is unreasonable in relation to the fair and reasonable net operating income as provided in section four and in accordance with the standards set forth therein.</p> <p>(b) All parties to any such hearing shall have the right to present evidence to the board and to be represented by counsel before the board.</p> <p>(c) The board shall allow the landlord in each case a fair and reasonable net operating income, in accordance with standards established in section four.</p> <p>(d) Every decision of the board shall be rendered within fourteen days of the close of the hearing. The decision shall be in writing, and parties to the proceedings shall be notified of the decision in person or by mail. A copy of the decision shall be filed with the town clerk.</p> <p>(e) Any orders issued by the board shall remain in effect for a period of one year unless modified by the board. Orders shall be modified only upon a finding by the board of a significant change in circumstances or of new evidence which the petitioner could not have reasonably been expected to discover through reasonable diligence at the time of the hearing.</p> <p>SECTION 6. Judicial Review, (a) Any party to the proceeding aggrieved by the action of the board may file a civil action against the board in the Northampton division of the district court department of the trial court, or in any housing court having jurisdiction, within thirty days of the date on which the decision was filed with the town clerk. The court shall review and decide such action pursuant to the standards set forth in paragraph seven of section fourteen of chapter thirty A of the General Laws.</p> <p>(b) The Northampton division of the district court department of the trial court, or such housing court, shall have jurisdiction to enjoin any violation of this act or any provision of the by-law established hereunder.</p> <p>SECTION 7. Civil Remedies, (a) Any person who demands, accepts, receives, or retains any payment of rent in excess of the amount authorized by the board during the one-year effective period provided in paragraph (e) of section five shall be liable to the person from whom such payment is demanded, accepted, received, or retained for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amount of four hundred dollars.</p>
--	--	--



		<p>(b) The board shall be authorized to seek enforcement of its orders in the Northampton division of the district court department of the trial court.</p> <p>SECTION 8. Evictions, (a) Any landlord of residential property within the town of Amherst which is not exempt under the provisions of section three or under the by-law established hereunder may not file a summary process complaint against a tenant for a period of one year after the tenant has filed a petition with the board except pursuant to paragraph (c) of this section.</p> <p>(b) The filing of a summary process complaint against a tenant within the one year period following the filing of a petition by the tenant with the board shall create a rebuttable presumption of reprisal within the meaning of section eighteen of chapter one hundred and eighty-six and section two A of chapter two hundred and thirty-nine of the General Laws.</p> <p>(c) The presumption of paragraph (b) of this section shall be rebutted only by clear and convincing evidence that the landlord's action was not a reprisal against the tenant and that the landlord had sufficient independent justification for taking such action, and would have in fact taken such action, in the same manner and at the same time the action was taken, regardless of the tenant having filed a petition with the board.</p> <p>SECTION 9. The action taken at the special town meeting of the town of Amherst held on February twenty-sixth, nineteen hundred and eighty-six on Article 4, adding a new by-law establishing a housing review board is hereby validated, ratified and confirmed as if this act was in effect at said time.</p> <p>SECTION 10. Chapter seven hundred and six of the acts of nineteen hundred and eighty-five is hereby repealed.</p> <p>SECTION 11. This act shall take effect upon its passage.</p> <p>Approved June 6, 1986.</p>
1987 - 268	<b>n Act Establishing Liability Insurance Fund In The Town Of Amherst.</b>	<p>SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Amherst may appropriate in each fiscal year an amount not exceeding one-twentieth of one per cent of its equalized valuation as defined in section one of chapter forty-four to establish and maintain a special fund to be known as the town of Amherst's Liability Insurance Fund; provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in said fund equals or exceeds one per cent of such equalized valuation. Any interest earned on the amount appropriated to such fund shall be added to and become part of the fund.</p> <p>The commissioners of trust funds of the town of Amherst shall be the custodian and administrator of this fund and may deposit or invest the fund in such manner</p>

		<p>as may be lawful under section fifty-four of chapter forty-four of the General Laws for the investment of municipal trust funds.</p> <p>Each fiscal year, the commissioners shall pay from the amount in the fund including the interest thereon such amounts as the town counsel determines to be necessary from time to time to settle claims against the town of Amherst and to cover the costs of defending the town of Amherst against such claims including without limitation the costs of employing legal counsel, court costs, and filing fees. The commissioners shall also pay from the amount in the fund including the interest thereon such amounts as the town manager determines are necessary to effect insurance to protect the town of Amherst against some or all of such claims. Any amount in the fund which is not paid out by the commissioners in accordance with this act which remains in the fund at the end of a fiscal year shall be added to the fund to be paid out by the commissioners in subsequent years in accordance with this act.</p> <p>SECTION 2. This act shall take effect upon its passage.</p> <p>Approved July 15, 1987. [Charter: Town Manager appoints with approval of council, per Charter Section 2.11]</p>
1989 - 61	<b>An Act Relative To The Housing Review Board Of The Town Of Amherst.</b>	<p>SECTION 1. Section 3 of chapter 72 of the acts of 1986 is hereby amended by striking out paragraphs (b) and (c) and inserting in place thereof the following two paragraphs:-</p> <p>(b) The board shall consist of seven members who shall be residents of the town of Amherst. The board members shall be appointed by the town manager and approved by the board of selectmen to serve without compensation. Three members shall be appointed to two year terms and two members shall be appointed to one year terms. Thereafter, as the terms of the appointed members expire, their successors shall be appointed to serve two year terms. Vacancies, other than by expiration of terms, shall be filled for the balance of the term by the town manager, with the approval of the board of selectmen. Every member, unless sooner removed, shall serve until the qualification of a successor. A panel of four board members shall be assigned to hear each petition, of whom only three shall preside and vote during the decision. The chair shall appoint the panelists in rotation and according to board members' schedules. If all four members have been present for the full hearing, upon closing the case, one member of the hearing panel shall be eliminated, by lottery, from the discussion of the findings and the vote on the decision.</p> <p>(c) Five members of the board shall constitute a quorum for all board meetings except meetings of the board to deliberate and decide petitions after the close of the public hearing, for which three members of the panel as constituted pursuant to paragraph (b) shall constitute a quorum. Three members of said panel shall constitute a quorum for all public hearings.</p> <p>SECTION 2. Clause (2) of paragraph (g) of said section 3 of said chapter 72 is hereby amended by inserting after the word "subsidy", in line 8, the words:- ;</p>

		<p>provided, however, that nothing in this paragraph shall be construed to exclude any unit from the jurisdiction of the board on the basis that the tenant, or tenants, of such unit receive subsidy from any governmental unit, agency, or authority under the guidelines set forth in the regulations of the relevant governmental unit, agency, or authority; and provided further, that nothing in this paragraph shall be construed to exclude any unit from the jurisdiction of the board where such exclusion will result in the cancellation or withdrawal, by law, of any subsidy provided to the tenant, or tenants, of such unit by any governmental unit, agency, or authority.</p> <p>SECTION 3. Section 5 of said chapter 72 is hereby amended by striking out paragraphs (d) and (e) and inserting in place thereof the following two paragraphs:-</p> <p>(d) Every decision of the board shall be rendered within twenty-eight days of the close of the hearing. The decision shall be in writing, and parties to the proceedings shall be notified of the decision in person or by mail. A copy of the decision shall be filed with the town clerk.</p> <p>(e) Any orders issued by the board shall remain in effect for a period of one year from the date of filing unless modified by the board. Orders shall be modified only upon a finding by the board of a significant change in circumstances or of new evidence which the petitioner could not have reasonably been expected to discover through reasonable diligence at the time of the hearing.</p> <p>Approved May 4, 1989.</p>
1995 - 93	<b>An Act Establishing The Amherst Economic Development And Industrial Corporation.</b>	<p>SECTION 1. As used in this act the following words and phrases shall, unless a different meaning clearly appears from the context, have the following meanings:-</p> <p>"Corporation", the Amherst Economic Development and Industrial Corporation authorized in section three.</p> <p>"Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after completion or estimated completion date of any project, planning, engineering and legal services, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.</p> <p>"Economic development area", any blighted open area or any decadent area, as respectively defined in section one of chapter one hundred and twenty-one B of the General Laws, which is located in the town of Amherst and is zoned for general or restricted manufacturing uses or for general industrial uses whether restricted or not, "industrial uses", or any real open and underutilized land which is suitably zoned for the kinds of activities identified in section three, including but not</p>

		<p>limited to research and development, commercial, light industrial, and business uses, "non-industrial", and within which there are not more than forty-five dwelling units.</p> <p>"Economic development plan", a detailed plan, as it may be approved from time to time by town meeting as herein provided, for one or more economic development projects within an economic development area, which plan shall be consistent with local objectives respecting appropriate land uses, and shall be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition, removal, and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; provided, however, that without specific approval by town meeting no economic development plan shall propose zoning changes.</p> <p>"Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area covered by an economic development plan and for clearance and development of the land so acquired; or (2) a project for the rehabilitation or conservation of an economic development area, or for the demolition, removal, or rehabilitation of improvements on land within an economic de-</p> <p>Chap. 93</p> <p>velopment area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, or eliminate obsolete or other uses detrimental to the public welfare; (3) a project for the development, operation and maintenance of park and recreational land and facilities, or for one or more qualifying non-industrial uses; or (4) a project involving any combination of the foregoing types of projects. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation of any site for uses in accordance with the economic development plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial, non-industrial or manufacturing uses in accordance with the economic development plan. An economic development project may also include the construction by the corporation of any of the buildings, structures or other facilities for industrial, non-industrial, or manufacturing uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in the area covered by the economic development plan which, under such plan, are to be repaired, moved or rehabilitated.</p> <p>"MOBD", the Massachusetts office of business development.</p>
--	--	--

		<p>"Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial or non-industrial establishments by any means.</p> <p>"Secretary", the secretary of communities and development.</p> <p>"Select board", the select board or board of selectmen of the town of Amherst.</p> <p>"Town", the town of Amherst.</p> <p>"Town manager", the town manager of the town of Amherst.</p> <p>"Town meeting", incumbent elected town meeting members acting in a lawfully convened session.</p> <p>SECTION 2. It is hereby declared that decadent or blighted open areas exist in certain portions of the town and that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the town; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of the town, and retards the economic well being of the commonwealth; that each decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries and non-industrial businesses, attract new industries and non-industrial businesses, and promote the sound economic growth of the town; that the menace of such decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aid herein provided; that the acquisition of property for the purpose of eliminating decadent,</p> <p>Chap. 93</p> <p>substandard, or blighted open conditions therein, preventing recurrence of such conditions in the area, the removal of structures and improvements of sites for manufacturing and industrial uses, and non-industrial facilities, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the town or any other public body in connection therewith are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, development, rehabilitation or rebuilding of such decadent and blighted open areas for industrial or manufacturing purposes, or non-industrial purposes, are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of the town and of this commonwealth.</p> <p>It is hereby further found and declared that there exists in the town a condition of substantial and persistent unemployment and underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of the town and adversely affects the welfare and prosperity of the people; that such obsolescence and abandonment of</p>
--	--	---

		<p>existing facilities are causing injury to the economy of the town; that the manufacturing and industrial sector of the economy, and non-industrial commercial enterprises, provide the best immediate opportunities for better jobs at higher wages for inhabitants of the town; that new industrial and manufacturing sites, and sites for non-industrial businesses, are required to attract and house new industries and businesses and to retain existing industries and non-industrial businesses in need of expansion space; that the unaided efforts of private enterprise have not provided and cannot provide the necessary industrial and non-industrial commercial sites within the urban environment due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of sufficient private capital for development, and the inability of private enterprise alone to plan, finance and coordinate industrial and non-industrial development projects.</p> <p>It is hereby further found and declared: (1) that the substantial underemployment that exists in the town of Amherst is indicated by a high level of educational attainment among its population but with a percent of families, not including students, below the poverty threshold that is considerably higher in the town than in the commonwealth and by a median family, not including students, income that is lower in the town than in the commonwealth; (2) that there exists considerable amount of open and underutilized land which is suitable for both industrial and non-industrial development; and (3) that a very considerable portion of real property within the town of Amherst is owned by tax exempt organizations which enjoy, but do not fully underwrite the cost of, municipal services thus diminishing the tax base of the town, putting undue burdens on both local residential taxpayers and the commonwealth.</p> <p>SECTION 3. The town of Amherst is hereby authorized to organize an economic research and commercial development corporation, to be known as the Amherst Economic Development and Industrial Corporation, a public body politic and corporate. No such corporation shall be organized, transact any business, employ any personnel or exercise any powers until the town, at an annual town meeting or a special town meeting called for the purpose, shall by majority vote declare the need for such a corporation.</p> <p>There shall be seven members of the board of directors of the corporation who shall be appointed by the select board. At least one member shall be experienced in industrial or commercial development, one in financial matters, one in real estate matters, one in municipal government, at least one member representative of low income people who shall be chosen from a list of three submitted by the regional or local community action agency or, if there is no such agency, from a list of three submitted by the executive office of communities and development. The appointing authority shall designate one of the seven members as chair and another as vice-chair. Each of the seven members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the seven directors shall constitute a quorum for the transaction of any business, but</p>
--	--	---

		<p>the action of a majority of the entire board shall be necessary for any transaction. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth.</p> <p>Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date, and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed. Any member may be removed by the select board for malfeasance, misfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived, and after approval by MOBD. For purposes of chapter two hundred and sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees. Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by town counsel and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.</p> <p>SECTION 4. The directors of the corporation shall adopt a corporate seal for the Chap. 93</p> <p>corporation, and designate the custodian thereof; may from time to time appoint and at pleasure remove a clerk, a treasurer or such other officers of the corporation as they may deem necessary, and may determine their duties and their compensation, which shall be paid by the corporation; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually in December to the select board, MOBD and to the secretary, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be deemed helpful. The office of treasurer and clerk may be held by the same person. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as an item of current expense. Except as</p>
--	--	---

		<p>otherwise provided in this act, the corporation shall have full power to exercise care of its property and the management of its business and affairs, and to sell and convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the board of directors or in like manner to authorize such sale and conveyance by any of its officers or agents. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the said board may determine, the premium therefor to be paid by the corporation. Neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to any person employed or engaged by the corporation under this act. SECTION 5. The corporation is hereby authorized:</p> <p>(a) to sue and be sued in its own name, and plead and be impleaded.</p> <p>(b) to adopt by-laws for the regulation of its affairs and the conduct of its business, and to alter the same at its pleasure.</p> <p>(c) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation.</p> <p>(d) to receive and accept from any federal agency, the commonwealth or the town grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made. The town may borrow outside its debt limits to obtain money for loan to the corporation, or within its debt limits to obtain money for grants to the corporation, with the approval of MOBD and the secretary.</p> <p>(e) to borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of such obligations by mortgage,</p> <p>Chap. 93</p> <p>pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the corporation.</p> <p>(/) to issue revenue bonds of the corporation, payable solely from revenues, for the purpose of paying all or any part of the cost of a project or projects, except that the town may, upon request by the corporation, pledge its full faith and credit to the solvency of the corporation.</p> <p>(g) to invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in</p>
--	--	---



		<p>obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States.</p> <p>(h) to provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.</p> <p>(;) to prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates.</p> <p>(/) to finance pollution control facilities in the same manner provided by this act for economic development projects, in which event all provisions of this act which are applicable to economic development projects apply to the pollution control facilities, insofar as such provisions are apt, except as otherwise provided.</p> <p>(k) subject to the approval of town meeting to designate areas of the town as economic development areas.</p> <p>(l) to acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain following a public hearing and an affirmative two-thirds vote at an annual town meeting or a special town meeting called for the purpose, with the advice of MOBD and the secretary in accordance with the provisions of chapter seventy-nine or chapter eighty A of the General Laws insofar as such provisions may be applicable, such private lands, or any interests therein, as it may deem necessary for carrying out the provisions of this act or for providing for the relocation of persons and businesses displaced as a result of carrying out an economic development plan. The provisions of section forty of said chapter seventy-nine of the General Laws shall apply to any taking by the corporation, except that the security therein required shall be deposited with the town treasurer and shall be in an amount at least twenty-five percent higher than the aggregate average assessed valuations in the three previous calendar years of all real estate to be taken by eminent domain. Prior to approval of an economic development plan by town meeting after such a public hearing and in the manner described in this subsection, with the advice of MOBD and secretary, the date as of which the value of such lands shall be determined for eminent domain purposes shall be the</p> <p>Chap. 93</p> <p>date on which the said economic development plan was first submitted to town meeting.</p> <p>(m) to make relocation payments to persons and businesses displaced as a result of carrying out an economic development plan, including such payments on a pro tanto basis.</p>
--	--	---

		<p>(w) to procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.</p> <p>(o) to clear and improve property acquired by it, and to engage in or contract for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof.</p> <p>(p) to arrange or contract with the town for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the town of property or property rights or for the furnishing of property or services in connection with a project or projects.</p> <p>(q) to sell, convey, mortgage, lease, transfer option, exchange or otherwise dispose of, any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.</p> <p>(r) to loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default, and to bid for and purchase property at any foreclosure or other sale; and in such event, to deal with such property in such manner as may be necessary or desirable to protect the interests of the corporation therein.</p> <p>(s) to manage any project whether owned or leased by the corporation and to enter into agreements with the commonwealth or the town or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any project to be managed.</p> <p>(t) to act with respect to one or more projects as a corporation organized under section three or section eighteen B of chapter one hundred and twenty-one A of the General Laws; provided that the accounts for each project shall be kept separately, and the income of one project shall not be expended upon or for the benefit of another project.</p> <p>(u) to borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or United States to abate air or water pollution.</p> <p>(v) to apply to the federal government or to the commonwealth for economic development and urban renewal assistance grants to meet in part the cost of approved economic development projects, to receive and administer such grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects, and to apply for, receive and administer community development action grants, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections fifty-three to fifty-seven A, inclusive, of chapter one hundred and twenty-one B of the General Laws.</p> <p>(w) to do all acts and things necessary or convenient to carry out the powers expressly granted in this act.</p> <p>The corporation is hereby directed to pay the reasonable relocation costs of persons</p> <p>Chap. 93</p>
--	--	--

		<p>and businesses displaced as a result of carrying out an economic development plan as authorized by clause (/) of this section; provided, that the corporation shall not be required hereby to pay or contribute to the payment of such costs of any relocatee in excess of twenty-five thousand dollars.</p> <p>SECTION 6. No economic development project shall be undertaken until (a) a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice; (b) the economic development plan has been approved by an affirmative two-thirds vote of an annual town meeting or a special town meeting called for the purpose by the town. If no economic development project covered by an economic development plan is commenced within seven years after the approval of such plan, the approval of such plan shall lapse.</p> <p>Every economic development plan submitted to town meeting for approval under this act (/) shall require that every person occupying the whole or any part of the economic development area covered by such plan during the period of forty years after the approval of such plan shall make every reasonable effort, in employing persons in his business, to give to the fullest practicable extent preference to residents of the town and (ii) shall be accompanied by a report on such plan by the planning board of the town to whom such plan shall have been submitted before its submission to town meeting, by a statement of the proposed method for financing each project covered by such plan, by a comprehensive relocation plan and by such other information as the corporation deems advisable.</p> <p>Notice of the public hearing required by the first paragraph of this section shall be given by the corporation to (1) such persons, groups and organizations as have requested in writing that such notice be given them, (2) MOBD and secretary and any agency, whether of the town or of the commonwealth, likely in the judgment of the corporation to have an actual or potential interest in the economic development plan, (3) the senator for every senatorial district of the commonwealth, and the representative for every representative district thereof, within which the economic development area or any part thereof lies, and (4) each community group supported in whole or in part by public funds, whose territory covers all or part of the economic development area. In the course of preparing an economic development plan, the corporation shall consult with each of the aforesaid so far as in the judgment of the corporation it is practicable.</p> <p>If an economic development plan is so approved by town meeting the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development projects covered by such plan. The corporation shall not be required to submit an economic development plan so approved to MOBD for further approval.</p> <p>SECTION 7. Except as provided herein rents and charges for services or facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or the town, and, if derived from a project in connection with which revenue bonds have been issued, shall, with all other revenues derived from the project, except such part thereof as may be necessary to pay such cost of</p>
--	--	--

		<p>maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the</p> <p>Chap. 93</p> <p>bonds or in the trust agreement, but including such part thereof as may be necessary to provide such reserves for the payment of the principal of and the interest on said revenue bonds as may be provided for in such resolution or trust agreement, and including also the proceeds of any and all sales by the corporation of property within the project area, be set aside at such regular intervals as may be provided for in such resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.</p> <p>SECTION 8. The corporation shall be liable in contract or in tort in the same manner as a private corporation. The directors, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of such agency to pay such judgment. The real estate of the corporation shall not be subject to liens under chapter two hundred and fifty-four of the General Laws but the provisions of sections twenty-eight and twenty-nine of chapter one hundred and forty-nine of the General Laws shall be applicable to any construction work by the corporation.</p> <p>SECTION 9. The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments; provided, that in lieu of such taxes, betterments and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.</p> <p>The town may agree with the corporation upon the payments to be made, or the corporation may make and the town may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation.</p> <p>Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other real estate is taxed, of real estate acquired by the corporation for an economic development project and sold by it, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate so acquired by the corporation and leased by it; provided,</p>
--	--	---

		<p>however, that real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter one hundred and twenty-one A of the General Laws or to an insurance company or savings bank or group of savings banks operating under said chapter, shall be taxed as provided in said chapter and not otherwise.</p> <p>Chap. 93</p> <p>The corporation and the debentures, revenue bonds and revenue refunding bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or the town.</p> <p>SECTION 10. To provide funds for the general purposes of the corporation, including working capital, the corporation may from time to time issue debentures; provided, however, that such debentures outstanding at any one time shall not exceed five million dollars unless specifically approved by MOBD and the secretary. Such debentures unless otherwise authorized by law shall not be deemed to constitute a debt of the commonwealth or of the town of Amherst or a pledge of the faith and credit of the commonwealth or of the town of Amherst and shall be subordinated to all other obligations of the corporation and shall be payable at such time or times and in such installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon but only out of the net earnings of the corporation, and in no event at a rate higher than the rate specified therein. Such debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be located within the commonwealth and shall be a trust company or bank having the powers of a trust company. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the debentureholders as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository under such trust agreement to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement shall set forth the rights and remedies of the debentureholders and of the trustee, and may restrict the individual right of action by debentureholders. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the debentureholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as an item of current expense.</p> <p>Debentures may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or the town of Amherst and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, or things which are specifically required by this act.</p> <p>SECTION 11. The town may raise and appropriate or may borrow, or may agree with the corporation or with the federal government or the commonwealth to raise and appropriate or to borrow, in aid of the corporation, such sums as may be</p>
--	--	---

		<p>necessary to carry out the purposes and powers of the corporation including defraying part of the development, acquisition and operating costs of any project. Indebtedness of the town authorized under this section shall be outside the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws and shall be payable within twenty years and otherwise subject to sections sixteen to twenty-seven, inclusive, of said chapter forty-four; provided, however, that the total amount of indebtedness of the town, outstanding at any one time un-</p> <p>Chap. 93</p> <p>der this section and clauses (1), (2), and (4) of section twenty of chapter one hundred and twenty-one B of the General Laws shall not exceed five percent of the town equalized valuation as defined in section one of said chapter forty-four. Indebtedness incurred under this act shall also be subject to approval under section twenty-two of said chapter one hundred and twenty-one B in like manner as indebtedness incurred under said section twenty.</p> <p>SECTION 12. The corporation is hereby authorized to provide by resolution, one time or from time to time, for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a project or projects. The principal of and interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rates, and shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the corporation, and may be made redeemable before maturity, at the option of the corporation, at such price or prices and under such terms and conditions as may be fixed by the corporation prior to the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the corporation. The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects, and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide. Prior to the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued</p>
--	--	--

		<p>under the provisions of this act subject only to those proceedings, conditions or things which are specifically required by this act.</p> <p>The corporation is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the corporation, for the additional purpose of constructing or reconstructing any extensions or improvements of the project. The issue of Chap. 93</p> <p>such bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation in respect of the same shall be governed by the provisions of this act insofar as the same may be applicable.</p> <p>While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.</p> <p>Revenue and revenue refunding bonds issued under the provisions of this act, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or of the town, or a pledge of the faith and credit of the commonwealth or of the town, but such bonds shall be payable solely from the funds herein provided therefor from revenues. In the event that the corporation, or the town or commonwealth is not obliged to pay said revenue and revenue refunding bonds, then, and in that event, all such revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the town shall be obliged to pay the same or the interest thereon except from revenues and that neither the faith and credit nor taxing power of the commonwealth or of the town is pledged to the payment of the principal of or the interest on such bonds.</p> <p>All revenue and revenue refunding bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter one hundred and six of the General Laws.</p> <p>SECTION 13. In the discretion of the corporation such revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project, or part thereof.</p> <p>Either the resolution providing for the issuance of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including without limiting the generality of the foregoing provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, the corporation in relation to the acquisition, construction,</p>
--	--	--

		<p>improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment, and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. Such resolution or trust agreement may also contain covenants by the corporation in relation to, among other things, (a) the establishment, revision and collection of such rents and charges for services of facilities furnished or supplied by the corporation as shall provide revenues sufficient with other revenues of the project, if any, to pay (/) the cost of maintaining, repairing and operating the project and of making renewals and replacements in connection therewith, (ij) the principal of and the interest on said revenue bonds as the same shall become due and payable, (Hi) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for all</p> <p>Chap. 93</p> <p>such purposes, (b) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof, (c) the use and disposition of the gross revenues of the corporation from the project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the project, (d) the amount, if any, of additional revenue bonds payable from the revenues of the project and the limitations, terms and conditions on which such additional revenue bonds may be issued, and (e) the operation, maintenance, management, accounting and auditing of the project and of the income and revenues of the corporation. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the project. The pledge by any such trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which pledge is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter one hundred and six of the General Laws.</p> <p>SECTION 14. Revenue bonds and revenue refunding bonds issued under the provisions of this act are hereby made securities in which all public officers and</p>
--	--	---



		<p>public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section fourteen of chapter one hundred and sixty-seven E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them; and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section two of chapter one hundred and sixty-seven F of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.</p> <p>Chap. 93</p> <p>SECTION 15. Any holder of bonds or debentures issued under the provisions of this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this act or by the trust agreement, to be performed by the corporation or by any officer thereof.</p> <p>SECTION 16. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general or special, excluding any state or the town building code and the town zoning by-law, the provisions of this act shall be controlling. To the extent that there is an equivalent provision in chapter one hundred and twenty-one C of the General Laws, such equivalent provision shall be substituted for the provision which is found to be unenforceable.</p> <p>SECTION 17. This act, being necessary for the welfare of the town and its inhabitants, shall be liberally construed to effect the purpose thereof.</p> <p>SECTION 18. If the town shall modify its charter, or if it shall adopt a new charter, then without amendment of this act, those provisions of this act which refer to specific municipal officials or municipal bodies shall be understood, upon a charter change, to refer to those who under such change exercise the same or equivalent functions.</p> <p>SECTION 19. This act shall take effect upon its passage.</p> <p>Approved August 8, 1995. [Charter: Manager to appoint with council confirmation, per Charter Section 2.11</p>
1996 - 83	<b>An Act Relative To The Zoning Of Certain Land In The Town Of Amherst.</b>	<p>SECTION 1. As used in this act the following words shall have the following meanings:-</p> <p>"Dwelling unit", the residential structure owned by the leasehold owner and located on a portion of the fee owner's land pursuant to the terms of the recorded ground lease.</p>

		<p>"Fee owner", the owner of the undivided fee simple title to the real estate subject to separate leasehold interests owned by those holding leasehold interests.</p> <p>"Leasehold", the leasehold interest in that portion of the fee owner's individual fee simple title on which the leasehold owner's dwelling unit is located.</p> <p>"Leasehold owner", the owner of the dwelling unit pursuant to the terms of the recorded ground lease.</p> <p>SECTION 2. Notwithstanding the provisions of chapter forty A of the General Laws or any other general or special law or sections 6.10, 6.11, 6.13, 6.14, 6.15, 6.16, 6.17 or 6.18 of the town of Amherst zoning By-Laws to the contrary and notwithstanding the absence of or deficiency in street frontage, area, front set back, side set back, rear yard set back and notwithstanding the degree such leaseholds exceed the maximum building coverage and lot coverage all as otherwise required by state or local law, the fee owner of the individual fee simple interest in the land underlying leaseholds 1, 2, 3, 4, 18, 19, 20, 21, 22, 23, 24, 24A, 28, 29, 30, 31, 32, 33 and 34 as shown on a plan of land entitled "Plan Showing Leaseholds in Stage II Phase I at Amherst Field, Amherst, Massachusetts prepared for Amherst Land Trust" dated August 26, 1976, recorded in the Hampshire county registry of deeds and attached to a document recorded in said registry at Book 1909, Page 1, all being located within the Neighborhood Residence Zoning District ("RN") and being included within Parcels 2-1 through 19-1 on Zoning Map 18C may convey the fee simple title to said lease-</p> <p>Chap. 83</p> <p>holds to the leasehold owners of the dwelling units situated thereon or, upon the expiration of a period equal to the remaining term of the lease, to any other person.</p> <p>SECTION 3. Upon the effective date of this act, a dwelling unit and the underlying leasehold land as defined in the recorded lease shall become lawful nonconforming lots and shall thereafter be subject to all provisions of state and local law governing existing nonconforming lots within the zoning district.</p> <p>SECTION 4. Upon any such sale, title to the dwelling unit and title to the underlying parcel of leasehold land on which it is located shall merge into fee simple title to the nonconforming lot which may thereafter be sold by such owner and successors in interest.</p> <p>SECTION 5. Any leasehold interest not extinguished by purchase under the foregoing sections shall continue unaffected by the conversion of the underlying parcel of land from a divided fee simple title to an undivided fee simple title and the leasehold owner shall continue to have the right to maintain a dwelling unit thereon for the period equal to the remaining term of the lease and, upon expiration of any such period, and if no sale has been consummated with the leasehold owner, there shall be a merger of title in the dwelling unit and the underlying parcel of leasehold land and the fee owner of the nonconforming lot and successors in interest may sell as a lawful nonconforming lot.</p> <p>Approved May 13, 1996.</p>
--	--	---

(b) Certain Obsolete Special Acts Repealed

1955 - 149	<b>An Act Relative To Nominations And Elections For Municipal Offices In The Town Of Amherst.</b>	<p>Section 1. No ballot used at any election of town officers in the town of Amherst shall have printed thereon any</p> <p>party or political designation or mark, and there shall not be appended to the name of any candidate on such a ballot any party or political designation or mark, or anything indicating his views or opinions, except that to the name of a candidate for re-election there may be added the words "candidate for re-election".</p> <p>Section 2. Nomination papers of candidates, except candidates for town meeting member, at any such election shall be signed by not less than ten registered voters of the town and filed with the town clerk at least forty-five days before the election. The selectmen shall before each election determine the final hour and date for filing of such nomination papers and at least twenty days in advance thereof shall cause public notice to be given, in a newspaper published or widely circulating in the town, of said hour and date, of the offices for which nominations are to be made, and the date when nomination papers should be presented for certification of signatures by the registrars of voters.</p> <p>Section 3. If on the third day after the last day for filing nomination papers as described in section two of this act, it appears that for any office more than twice as many candidates have filed papers as there are persons to be elected thereto, the selectmen shall issue a call for a special caucus, in the manner of a warrant for a town meeting, stating the place, date, and hour thereof, and when the polls shall be closed, and the office or offices for which the caucus will make nominations. Such caucus shall be held at least thirty-one days before the town election and the polls shall be open for at least four hours. On the ballot for such special caucus the only names of candidates to appear thereon shall be those for the offices for which there are more than twice the number to be elected, and voting shall be only for such positions. At the special caucus the two persons receiving the highest and the second highest number of votes cast for the nomination of candidates for an office shall be declared nominated for such office; but if two or more persons are to be elected to the same office at the town election, the several persons, to a number equal to twice the number so to be elected to such office, receiving at such caucus the highest number of votes, the second highest number of votes, and so on to the number to be nominated, shall be the candidates therefor whose names shall be printed on the ballot used at the town election. If the caucus results in a tie vote among candidates for nomination receiving the smallest number of votes, which, but for the tie, would entitle a person receiving such number to have his name printed on the ballot for town election, all candidates participating in such tie shall have their names printed upon the town election ballot, although there be printed upon it the names of candidates to a number exceeding twice the number to be elected. Except as herein provided, and</p>
------------	---	--

		<p>except that such special caucus shall be held at only one place in town and not in the several precincts, such special caucus shall be conducted as nearly as may be</p> <p>in the manner for conducting a town caucus as provided in section one hundred and twenty-one of chapter fifty-three of the General Laws; and the expense of such caucus shall be borne by the town.</p> <p>Section 4. If on the third day after the filing of nomination papers as described in section two of this act, it appears that for no office have more than twice as many candidates filed papers as there are persons to be elected thereto, no special caucus shall be held, and the names of the persons nominated by such papers shall appear on the ballot for town election. If a special caucus is held as required by section three of this act, there shall appear on the ballot for town election the names of the persons nominated at such caucus and the names of the persons nominated for positions for which not more than twice the number to be elected were nominated by papers.</p> <p>Section 5. While this act is in effect no political party caucus and no town caucus shall be held in said town for the nomination of candidates for town office, but nominations may be made as heretofore in accordance with section six of chapter fifty-three of the General Laws.</p> <p>Section 6. This act shall be submitted to the registered voters of said town at its annual town election in the year nineteen hundred and fifty-five in the form of the following question, which shall be placed on the ballot to be used for the election of town officers: - "Shall an act passed by the General Court in the year nineteen hundred and fifty-five, entitled 'An Act relative to nominations and elections for municipal offices in the town of Amherst', be accepted?" If it is not accepted at said annual town election, it shall again be submitted for acceptance at the annual town election in the year nineteen hundred and fifty-six in the same manner. If it is not accepted at said annual town election in nineteen hundred and fifty-six, it may again be submitted for acceptance in like manner from time to time at any annual town election, but not later than the year nineteen hundred and fifty-nine, upon petition signed by not less than two per cent of the total number of registered voters of said town and filed with the town clerk at least thirty days prior to such election.</p> <p>Section 7. Upon the acceptance of this act by a majority of the voters voting thereon at any town election as aforesaid, it shall take effect for the purposes of the next special or annual town election following such acceptance, and for all subsequent town elections until this act is revoked as hereinafter provided.</p> <p>Section 8. After acceptance of this act, the town may vote at an annual town election to revoke such acceptance, and the question of such revocation shall be submitted to the voters in the form of the following question, which shall be</p>
--	--	--

		<p>placed on the ballot for such election:- "Shall the acceptance by the town of an act passed by the General Court in the year nineteen hundred and fifty-five, entitled 'An Act</p> <p>relative to nominations and elections for municipal offices in the town of Amherst', be revoked?", such submission to be made only pursuant to a petition therefor signed by not less than two per cent of the total number of registered voters of said town and filed with the town clerk at least thirty days prior to such election. If such revocation is favored by a majority of the voters voting thereon, this act shall thereupon cease to be effective. If such revocation is not so favored, subsequent votes for such revocation may be taken at annual town elections in like manner in other years on like petition. Approved March 7, 1955.</p>
1959 - 49	<b>An Act relative to the composition of representative town meetings in the town of Amherst.</b>	<p>Section 1. Section 2 of chapter 10 of the acts of 1936, is hereby amended by striking out the first sentence, as amended by section 1 of chapter 65 of the acts of 1951, and inserting in place thereof the following sentence:—Other than the officers designated in section three and in the by-laws of the town as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town in accordance with the list of registered voters on the first day of January next preceding the election, and which will cause the total elected membership to be as nearly two hundred and forty as may be.</p> <p>Section 2. Section 3 of said chapter 10 is hereby amended by striking out the first sentence, as amended by section 2 of said chapter 65 and inserting in place thereof the following sentence:—Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting members elected under section two, together with the following town meeting members at large, namely: any member of the general court who is a registered voter of the town, the moderator, the town clerk, the selectmen, the members of the school committee, the chairman of the finance committee, and such other town meeting members at large as may be provided for in the by-laws of the town, and authority is hereby conferred to adopt such by-laws without being subject to section thirty-two of chapter forty of the General Laws.</p> <p>Section 3. This act shall be submitted for acceptance to the registered voters in the town of Amherst at the annual town meeting in the year nineteen hundred and sixty in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting:—"Shall an act passed by the General Court in the year nineteen hundred and fifty-nine, entitled 'An Act relative to the composition of representative town meetings in the town of Amherst', be accepted?" If it is not accepted at said annual town meeting, it shall be again submitted for acceptance at the annual town meeting in</p>

		<p>the year nineteen hundred and sixty-one in the same manner. If it is not accepted at said annual town meeting in nineteen hundred and sixty-one it may again be submitted in like manner from time to time to such voters at any annual town meeting, but not later than the year nineteen hundred and sixty-four, upon petition signed by not less than two per cent of the total number of registered voters of said town and filed with the town clerk at least thirty days prior to such meeting.</p> <p>Section 4. Upon the acceptance of this act by a majority of the voters voting thereon at any such town meeting aforesaid, it shall take effect for the purposes of the next annual town election in the town of Amherst, at which election one third of the representative town meeting membership to which each precinct shall be entitled hereunder</p> <p>shall be elected, the unexpired terms of office of all previously elected town meeting members shall continue until their expiration; and for the purpose of determining town meeting members at large and for all other purposes this act shall take effect upon the date of such election. Approved February 13, 1959.</p>
1963 – 54	<b>An Act Relative To Nominations For Municipal Offices In The Town Of Amherst.</b>	<p>Section 1. Chapter 149 of the acts of 1955 is hereby amended by striking out section 5 and inserting in place thereof the following section.</p> <p>Acts, 1963.— Chaps. 55, 56. 35</p> <p>— Section 6. While this act is in effect no political party caucus and no town caucus shall be held in said town for the nomination of candidates for town office.</p> <p>Section 2. This act shall be submitted for acceptance to the registered voters of the town of Amherst at the annual town meeting to be held in the year nineteen hundred and sixty-four in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting. — "Shall an act passed by the General Court in the year nineteen hundred and sixty-three, entitled 'An Act relative to nominations for municipal offices in the town of Amherst', be accepted?" If it is not accepted at said annual town meeting, it shall again be submitted for acceptance at the annual town meeting to be held in the year nineteen hundred and sixty-five in the same manner. If it is not accepted at said annual town meeting in the year nineteen hundred and sixty-five, it may again be submitted for acceptance in like manner from time to time at any annual town meeting, but not later than the year nineteen hundred and sixty-nine, upon petition signed by not less than two per cent of the total number of registered voters of said town and filed with the town clerk at least thirty days prior to such meeting</p> <p>Section 3. Upon the acceptance of this act by a majority of the voters voting thereon at any such town meeting it shall take effect for the purposes of the next election in the town of Amherst and for subsequent elections therein.</p> <p>Approved February 20, 1965.</p>
1973 – 631	<b>An Act Requiring Incumbent Town Meeting Members In The Town Of Amherst To File Certain Nomination Papers.</b>	<p>Notwithstanding the provisions of section ten of chapter fifty-three of the General Laws or of any other special or general law to the contrary, the nomination of candidates for town meeting members in the town of Amherst shall be by</p>

		nomination papers bearing the signatures of not less than ten voters of the precinct in which the candidate resides. Approved August 15, 1973.
1973 – 1087	<b>An Act Relative To The Dates For The Filing Of Nomination Papers By Candidates For Certain Town Offices In The Town Of Amherst.</b>	Section 2 of chapter 149 of the acts of 1955 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Nomination papers of candidates, except candidates for town meeting member, at any such election shall be signed by not less than ten registered voters of the town and filed with the town clerk at least forty-five days before the election, notwithstanding the provisions of section ten of chapter fifty-three of the General Laws. Approved November 27, 1973.
1975 – 56	<b>An Act Relative To The Listing Of Names On Town Election Ballots In The Town Of Amherst.</b>	Section 1. Notwithstanding the provisions of any general or special law to the contrary, in all town elections held in the town of Amherst the names of all candidates for town office and town meeting member shall appear on the official ballot in the order in which they are drawn by lot. Each such drawing shall be conducted by the registrars of voters or by their designees. Each candidate, or his duly authorized representative, shall have an opportunity to be present at such drawing. After the name of each candidate for an office who is an incumbent thereof shall be added the words "Candidate for reelection". Section 2. This act shall take effect upon its passage. Approved March 14, 1975.
1980 – 117	<b>An Act Providing For The Election Of Persons To Vacancies To The Town Meeting Membership In The Town Of Amherst.</b>	In the event of a vacancy in the full membership of the representative town meeting body in the town of Amherst following the annual town election, and prior to the annual town meeting of the same year, such vacancy shall be filled by the losing candidate at the same election with the largest number of votes in that precinct who shall serve only until the next annual town election. If there is a tie vote among two or more such candidates, the remaining elected members of the same precinct shall, by ballot, choose from among those tied and the winner shall serve until the next annual town election. The town clerk shall call a special meeting of said remaining elected members of such precinct to be held within thirty days following said annual town election, and shall cause to be mailed to every such member a notice specifying the purpose, time and place of the meeting not less than five days preceding the date scheduled. The election to fill such vacancy shall be conducted in the manner provided for in section seven of chapter ten of the acts of nineteen hundred and thirty-six. Approved May 2, 1980.
1993 – 157	<b>An Act Relative To Nominations For Town Offices In The Town Of Amherst.</b>	Notwithstanding the provisions of section seven of chapter fifty-three of the General Laws or any other general or special law to the contrary, the town of Amherst is hereby authorized to require that every nomination paper of a candidate for elective office in the town of Amherst shall be submitted to the registrars of voters of the town where the signers appear to be voters on or before five o'clock post meridian of the seventh day preceding the day on which it must be filed with the town clerk. Approved September 23, 1993.
2001 - 216	<b>An Act Relative To The Amherst Town Government.</b>	SECTION 1. Chapter 10 of the acts of 1936 is hereby repealed. SECTION 2. Chapter 11 of the acts of 1951 is hereby repealed. SECTION 3. Chapter 65 of the acts of

		<p>1951 is hereby repealed. SECTION 4. Sections 6, 7, 8 and 9 of chapter 512 of the acts of 1972 are hereby repealed.</p> <p>SECTION 5. Chapter 1088 of the acts of 1973 is hereby repealed.</p> <p>SECTION 6. Chapter 404 of the acts of 1998 is hereby repealed.</p> <p>SECTION 7. The following shall constitute the charter of the town of Amherst: AMHERST TOWN GOVERNMENT ACT</p> <p>1. Election Provisions</p> <p>1.1 Town government positions to be filled by election</p> <p>The town shall elect town meeting members, a moderator, members of the select board and school committee, and trustees of the town library. The town shall also elect, on the same ballot, town representatives to the following state or regional authorities: Oliver Smith Will Electors, Redevelopment Authority, Housing Authority and Hampshire Council of Governments. All are subject to any applicable provision of the law. The terms of office of such officers or boards shall not be interrupted.</p> <p>1.2 Districting</p> <p>1.21 Advisory board</p> <p>Every 10 years, upon receipt of the final results of the decennial federal census, the select board shall appoint a districting advisory board composed of 9 members from diverse geographical areas of the town, plus the town clerk or the town clerk's designee as a non-voting member ex officio.</p> <p>1.22 Process and reporting</p> <p>The districting advisory board shall recommend to the select board a division of the territory of the town into not less than 5 precincts, each of which shall be plainly designated. They shall be so established as to consist of compact and contiguous territory with numbers of inhabitants as nearly equal as feasible, and be bounded as far as possible by the center line of known streets and ways or by other well defined limits.</p> <p>The districting advisory board shall include in its recommendations to the select board a map or maps of the precincts as established or revised from time to time, with the numbers of inhabitants therein. The select board shall report its decisions on said recommendations to the town clerk, who shall forthwith give written notice thereof to the state secretary, stating the number and designation</p>
--	--	--



		<p>of the precincts, the number of inhabitants of each precinct and such other information as shall be required by law. Any revision of such precincts shall take effect upon receipt of the approval of the state secretary in writing, after which the town clerk shall notify each household of registered voters of said revisions, and shall also cause to be posted in at least 1 public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein.</p> <p>1.3 Conduct of elections</p> <p>Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such places within the town as the select board shall in the warrant for such election direct. The General Laws relating to precinct voting at elections shall apply to all elections and primaries in the town.</p> <p>1.4 Election of select board members</p> <p>At each annual election there shall be elected in place of those select board members whose terms are about to expire an equal number of members, each to serve for 3 years. The select board members shall serve until their successors are elected and qualified. If, for any reason, a vacancy or vacancies occur in the membership of the select board, the remaining members shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except if such vacancy or vacancies occur less than 90 days before the annual election and no fewer than 3 select board members remain in office, the vacancy or vacancies shall remain until such annual election.</p> <p>1.5 Election of representative town meeting member</p> <p>1.51 Number of members</p> <p>The number of elected town meeting members in all precincts shall be equal among the precincts and in each precinct shall be the largest number divisible by 3 which will cause the total elected membership to be as near 240 as possible.</p> <p>1.52 Nominations</p> <p>Nomination of candidates for town meeting member to be elected under this act shall be made by nomination papers which shall bear no political designation; to the name of a candidate for re-election shall be added the words "Candidate for Re-election". Nomination papers shall be signed by at least 1 registered voter of the precinct in which the candidate resides, and shall be filed with the town clerk at least 49 days before the election. No nomination paper shall be valid in respect</p>
--	--	---

		<p>to any candidate whose written acceptance is not thereon or attached thereto when filed.</p> <p>1.53 Elections</p> <p>1.531 Balloting</p> <p>The registered voters in any precinct affected by any revision of precincts, at the first annual town election following such revision, and conformable to the laws relative to elections not inconsistent with this act, shall elect by ballot the number of registered voters from said revised precinct, other than the officers designated herein as town meeting members ex officio, to be town meeting members of the town.</p> <p>1.532 Term of office</p> <p>The first third, in the order of votes received, of members so elected in each precinct shall serve a 3-year term, the second third in such order shall serve a 2-year term, and the remaining third in such order shall serve a 1-year term from the day of the annual town election; and thereafter, except as provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect for the term of 3 years, 1/3 of the number of elected town meeting members to which such precinct is entitled, and shall at each such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct.</p> <p>In case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct at the same election, other than those whose terms of office are affected by such tie vote, shall by ballot determine which members receiving such tie vote</p> <p>shall serve for the longer and which for the shorter term. In the case of a tie vote affecting the election of town meeting members in any precinct otherwise than as to term of office, the members elected from such precinct at the same election shall by ballot determine which of the candidates receiving such tie vote shall serve as town meeting member from such precinct. The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election of their successors as hereinbefore provided.</p> <p>1.533 Notification</p> <p>The town clerk shall, after the election of town meeting members, forthwith notify such members by mail of their election.</p> <p>1.534 Members assuming ex officio status</p>
--	--	---

		<p>Any elected town meeting member who becomes by appointment or election 1 of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member.</p> <p>1.54 Term of office of members filling vacancies</p> <p>Town meeting members elected to fill vacancies between town elections shall serve until the next annual town election.</p> <p>1.541 Vacancies between election and annual meeting</p> <p>In the event of a vacancy in the full membership of town meeting following the annual town election, and prior to the annual town meeting of the same year, such vacancy shall be filled by the losing candidate at the same election with the largest number of votes in that precinct who shall serve only until the next annual town election. If there is a tie vote among 2 or more such candidates, the remaining elected members of the same precinct shall, by ballot, choose from among those tied and the winner shall serve until the next annual town election. In such cases, the town clerk shall call a special meeting of the remaining elected members of such precinct to be held within 30 days following the annual town election, and shall cause to be mailed to every such member a notice specifying the purpose, time and place of the meeting, not less than 5 days preceding the date scheduled. In the event there are no candidates available to fill the vacancy, the procedures outlined in Section 1.542 shall be followed.</p> <p>1.542 Vacancies occurring after annual meeting 1.5421 Filled by precinct member elections</p> <p>In the event of any vacancy in the full number of elected town meeting members from any precinct, the town clerk shall, not less than 30 days prior to the first special town meeting after October 1 but before December 31, mail written notice of such vacancy to the remaining elected members of the precinct and shall publish said notice in a newspaper of general circulation in the town. Nomination papers to fill any vacant seat may be filed by any registered voter of the precinct with the town clerk until the close of business on the eighth day following the date of publication. The town clerk shall on or before the close of business on the seventh day thereafter certify the qualified candidates, mailing to the remaining town meeting members in the precinct a copy of such certification together with a written ballot</p> <p>identifying the qualified candidates and the number of vacancies to be filled. The remaining elected town meeting members of the precinct shall, on or before the seventh day following said mailing, cause their ballots to be delivered to the town clerk in a sealed envelope. On the first business day following said seventh day</p>
--	--	---

		<p>the town clerk shall open the envelopes at a duly noticed public meeting and shall certify the election of those with the largest number of votes, ties to be resolved by the town clerk by lot. 1.5422 Filled by precinct member meetings</p> <p>In the event of any vacancy in the full number of elected town meeting members from any precinct which cannot be filled by means of the above-mentioned procedure, the remaining elected members of the precinct may choose a successor from among the registered voters thereof. Upon petition therefor, signed by no fewer than 10 elected town meeting members from the precinct, or if the entire number of elected town meeting members from said precinct is fewer than 18, by a majority thereof, notice of any vacancy shall be made promptly to the remaining elected town meeting members from the precinct wherein the vacancy or vacancies exist by the town clerk, who shall call a special meeting of such members for the purpose of filling a vacancy. The town clerk shall cause to be mailed to every such member, not less than 5 days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the meeting, a majority of the elected town meeting members from such precinct shall constitute a quorum, and they shall elect from their own number a chair and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The chair and the clerk shall count the ballots and shall make a certificate of such election and forthwith file the same with the town clerk, together with a written acceptance by the member or members so elected, who shall thereupon be deemed elected and qualified as a town meeting member or members.</p> <p>1.543 Resignations and removals</p> <p>A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member ex officio or elected town meeting member who removes from the town shall cease to be a town meeting member, and an elected town meeting member who removes from 1 precinct to another may serve only until the next annual town election. 2. Representative Town Meeting 2.1 Powers and limits of town meeting</p> <p>2.11 Powers</p> <p>The town of Amherst shall have the capacity to act through and be bound by its town meeting members, who shall, when convened from time to time, as herein provided, constitute representative town meetings; the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation.</p> <p>Action in conformity with all the provisions of law now or hereafter applicable to the</p>
--	--	---

		<p>transaction of town affairs in town meeting, shall, when taken by a representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment of representative town government. 2.12 Limits</p> <p>This act shall not abridge the right of the inhabitants of Amherst to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Amherst the power finally to commit the town to any measure affecting its municipal existence or changing its form of government, without action thereon by the voters of the town at large at an annual town election, using the ballot and voter check list therefor in accordance with the applicable provisions of the General Laws. 2.2 Organization</p> <p>2.21 Membership</p> <p>2.211 Members</p> <p>Any representative town meeting held under this act, except as otherwise provided herein, shall be limited to the town meeting members elected by precinct, together with the following members ex officio: the moderator, the members of the select board, the members of the school committee, the president of the town library trustees, the chair of the finance committee, the town manager, and such other town meeting members ex officio as may be provided for in the by-laws of the town without being subject to section 32 of chapter 40 of the General Laws. Any elected town meeting member who becomes by appointment or election 1 of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member.</p> <p>2.212 No compensation</p> <p>Town meeting members elected by precinct shall receive no compensation.</p> <p>2.22 The moderator</p> <p>The moderator shall be elected by ballot at each annual town election and shall serve as the moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nomination for and election of the moderator shall be as in the case of all other elective town officers, and any vacancy in the office of moderator shall be filled by the town meeting members as the first order of business at the next town meeting following the occurrence of</p>
--	--	---

		<p>the vacancy. If the moderator is absent or must step down due to conflict of interest, a moderator pro tempore shall be elected by the town meeting members.</p> <p>2.23 Finance committee</p> <p>There shall be a finance committee consisting of 7 members to be appointed by the moderator. It shall be the duty of this committee to investigate all proposals in the articles of the warrant for any town meeting that shall in any way affect the finances of the town and to recommend to the town at the time of said meeting a course of action thereon, and in general to make recommendations to the town in regard to any financial business of the town.</p> <p>It shall have control of the reserve fund of the town and make appropriations therefrom.</p> <p>2.3 Operations of town meeting</p> <p>2.31 Notification</p> <p>The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held and the notices shall be sent by mail at least 10 days before the meeting.</p> <p>2.32 Rules and procedures</p> <p>A majority of the town meeting members shall constitute a quorum for doing business, but a lesser number may organize temporarily and may take a recess or adjourn from time to time, but no town meeting shall adjourn to a date that falls after the next election of town meeting members.</p> <p>2.33 Public participation</p> <p>All town meetings shall be public. Subject to such conditions as apply to the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. Persons who are not registered voters of the town may, subject to the same conditions, speak at any representative town meeting if the town meeting votes that they may do so.</p> <p>2.34 Action on the warrant</p> <p>All articles in the warrant for any town meeting shall be acted on and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the select board in the warrant for the meeting, subject to the referendum herein provided for. No article in the warrant of any</p>
--	--	--

		<p>representative town meeting shall be finally disposed of by a vote to lay upon the table, indefinitely to postpone or to take no action thereunder.</p> <p>2.4 Referendum</p> <p>A final vote of any representative town meeting passing or rejecting a measure under any article in the warrant shall not be operative until after the expiration of 5 days, exclusive of Saturdays, Sundays and legal holidays, from the dissolution of the meeting. If, within said 5 days, a petition, signed by registered voters of the town totaling not fewer than 5 per cent of the total number of registered voters of the town which number shall not include the number of inactive voters, containing their names and addresses substantially as they appear on the list of registered voters, is filed with the select board, asking that the question or questions involved in such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending the determination as hereinafter provided. If such petition is not filed within said period of 5 days, the vote of the representative town meeting shall become effective and operative upon the expiration of said period.</p> <p>2.41 Excluded measures</p> <p>The following measures shall not be the subject of a referendum called under the provisions of this section: votes to adjourn; votes authorizing the expenditure of less than \$20,000; votes appropriating money for the payment of notes or bonds of the town and inter-</p> <p>est becoming due in the then current financial year; votes for the temporary borrowing of money in anticipation of revenue; votes rejecting proposed zoning by-law amendments; votes declared by preamble by a 2/3 vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town.</p> <p>2.42 Election procedure</p> <p>The select board, upon the filing of a petition under this section, shall submit said petition to the registrars of voters who shall within 10 days certify the signatures thereon. Within 10 days of receipt of written notice of certification of a sufficient number of signatures, the select board shall call a special town election, which shall be held as soon as practicable in accordance with law after the issuing of the call, for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be open during hours to be determined by the select board but they shall be open no later than noon and shall be closed not earlier than 8 o'clock in the evening. All votes upon any question so submitted shall be taken by ballot, and the voter check list shall be</p>
--	--	--

		<p>used in the several polling places in the same manner as in the election of town officers. No ballots shall be removed or counted before the closing of the polls. The question or questions to be submitted to be voted on at said special town election shall be stated on the ballot in substantially the same language and form in which they were stated when finally presented to the representative town meeting by the moderator, as appears from the records of such town meeting.</p> <p>2.43 Determination of result</p> <p>A question put to the voters at large under the provisions of this section shall be determined by a vote of the same proportion of voters voting thereon as would have been required by law had the question been finally determined at a representative town meeting. No action of the representative town meeting shall be reversed unless a number of registered voters equal to at least 18 per cent of all the active registered voters shall so vote. Otherwise the action shall take effect immediately upon the certification by the town clerk of the vote upon the referendum.</p> <p>2.44 Calculations</p> <p>To determine the total number of active voters of the town in making calculations required by this section, the town clerk shall use the number of active voters as of the dissolution of the town meeting at which the question proposed to be submitted to voters of the town at large was voted upon by town meeting members. The number of inactive voters at the dissolution of said town meeting shall be excluded from the calculations. 3. The Select Board</p> <p>3.1 Organization</p> <p>The 5 members of the select board shall be elected at large as the town's chief elected officials.</p> <p>3.2 Powers and duties</p> <p>The select board shall exercise such powers as are provided to municipalities or to boards of selectmen in the General Laws which have not been superseded by the provisions of this act. It shall be responsible for the general governance of the town. Other powers and duties shall include, but not be limited to those listed below.</p> <p>3.21 Policy making</p> <p>The select board shall initiate policy proposals as well as consider and make decisions on policy recommendations brought to it. It shall make guidelines for</p>
--	--	--



		<p>the manager in preparation of the annual budget proposal. It shall review and make recommendations on the proposed annual budget.</p> <p>3.22 Appointive</p> <p>3.221 Town manager</p> <p>The select board shall appoint the town manager on merit and fitness and shall supervise the manager as provided in section 4.1 of this act.</p> <p>3.222 Other select board appointments</p> <p>The select board shall appoint on merit and fitness and may remove for cause, members of the board of appeals, personnel board, election officers, the registrar of voters, except the town clerk, and such members of boards, committees and commissions as are needed or as provided by town by-laws, town meeting action or acts of the general court, with the exception of the finance committee and such regulatory boards, committees and commissions listed in Section 3.223.</p> <p>3.223 Select board confirmation of appointments</p> <p>The select board shall confirm appointments by the town manager to the following regulatory boards and commissions: the conservation commission, the board of health, the planning board, and the historical commission.</p> <p>3.224 Supervision of committees</p> <p>The select board shall supervise the boards, committees and commissions that they appoint to ensure that the charge is carried out in a timely manner and that meetings are held in conformance with the laws regarding open meetings of governmental bodies.</p> <p>3.23 Legislative</p> <p>3.231 Town meeting warrant</p> <p>The select board shall call and issue warrants for town meeting.</p> <p>3.232 Recommendations to town meeting</p> <p>The select board shall make recommendations to town meeting.</p> <p>3.233 Town meeting actions</p> <p>The select board shall implement appropriately the actions of town meeting.</p>
--	--	--

		<p>3.234 Referendum ballots</p> <p>The select board shall approve the placement of items on the town's ballot for referendum vote. The select board shall determine by majority vote whether to allow a debt exclusion from or an override of the levy limit. The select board shall frame the question for an override or a debt exclusion.</p> <p>3.24 Regulatory</p> <p>3.241 Licenses and permits</p> <p>The select board shall issue certain licenses and permits as provided by state law and town by-law.</p> <p>3.242 By-law enforcement</p> <p>The select board shall oversee appropriately the enforcement of sections of the town by-laws.</p> <p>3.243 Water and sewer duties</p> <p>The select board shall serve as the water commission and as the sewer commission.</p> <p>3.244 Regulation of public ways</p> <p>The select board shall control and regulate the public ways.</p> <p>3.25 Financial</p> <p>3.251 Budget</p> <p>The select board shall make recommendations to the town on the annual operating budget and the capital program.</p> <p>3.252 Signing bonds and notes</p> <p>The select board shall sign all bonds and notes for the borrowing of money.</p> <p>3.253 Reviewing grants and contracts</p> <p>The select board shall review all contracts of over \$1,000,000 and all grants with implication of future financial decisions beyond the current fiscal year.</p>
--	--	---

		<p>3.254 Encouraging joint financial planning</p> <p>The select board shall encourage joint financial planning among town, school and library officials.</p> <p>3.26 Investigative</p> <p>The select board may, subject to appropriation, employ experts, counsel and other assistants and incur other expenses. 4. The Town Manager 4.1 Appointment of town manager</p> <p>The select board shall appoint a town manager who shall be a person especially fitted by training and experience to perform the duties of the office and who shall be appointed without regard to political affiliation and in accordance with state and federal anti-discrimination laws and regulations.</p> <p>The town manager need not be a resident of the town or of this commonwealth when appointed, but shall become a resident of the town within 6 months or within such time as stipulated in the contract at the time of appointment and remain such while in office. The town manager shall devote full time to the duties of the office and shall therefore not hold any other elective or appointive paid governmental office, nor shall the town manager engage in any other business, unless such actions are approved by the select board. This does not exclude the manager's participation in related professional organizations.</p> <p>Before entering upon the duties of the office, the town manager shall be sworn to the</p> <p>faithful and impartial performance thereof by the chair of the select board, or by the town clerk, or by a justice of the peace.</p> <p>4.2 Appointment of a temporary manager</p> <p>Any vacancy in the office of town manager shall be filled as soon as possible by the select board. Pending the appointment of a town manager or the filling of any vacancy, the select board may appoint a suitable person as temporary town manager to perform all duties of the office.</p> <p>4.3 Acting town manager</p> <p>The town manager may designate by letter filed with the select board a qualified officer of the town to perform the duties of manager during the manager's temporary absence. If the manager fails to make such designation, the select board may designate an officer of the town to perform the manager's duties until the manager returns.</p>
--	--	---

		<p>4.4 Compensation of the town manager and employment contract</p> <p>4.41 Compensation of the manager</p> <p>The town manager shall receive such compensation for services rendered as the select board shall determine.</p> <p>4.42 Employment contract</p> <p>The town manager shall enter into a written employment contract with the town for a period not to exceed 5 years which may be renewed for additional terms. The manager serving when this act takes effect shall continue to be employed under a contract that contains no time limitations.</p> <p>4.5 The manager's powers of appointment</p> <p>4.51 Appointment and removal of officers and employees</p> <p>Except as otherwise provided in this act the town manager shall appoint on merit and fitness and may remove all town officers and employees for whom no other method of selection or removal is provided, except employees of the school department and town library. All appointments and removal of personnel shall be subject to the provisions of state and federal anti-discrimination laws, collective bargaining agreements, the limitations of existing appropriations and the town's personnel policies.</p> <p>4.52 Initial compensation of employees</p> <p>The town manager shall fix, subject to collective bargaining agreements, the limitations of existing appropriations and the town's personnel policies, the initial compensation of all appointed town officers and employees, except employees of the school department and the town library in accordance with all applicable provisions of section 108 A of chapter 41 of the General Laws if adopted.</p> <p>4.53 Appointment of town counsel</p> <p>The town manager shall have the authority to employ and discharge town counsel.</p> <p>4.54 Other appointments</p>
--	--	--

		<p>The town manager shall appoint, with approval of the select board, members of the planning board, conservation commission, historical commission, and board of health. The</p> <p>town manager shall appoint the assessors and members of boards, committees and commissions as are needed or as provided by town by-laws, town meeting action, or acts of the general court. All appointments to boards, committees and commissions shall be made on merit and fitness. The manager may remove for cause the appointees mentioned in this section.</p> <p>4.55 Supervision of committees</p> <p>The town manager shall supervise the boards, committees and commissions that the manager appoints to ensure that the charge is carried out in a timely manner and meetings are held in conformance with the laws regarding open meetings of governmental bodies. 4.6 Administrative powers and duties</p> <p>The town manager shall be the chief administrative and fiscal officer of all town agencies, other than the schools and the library. In addition to specific powers and duties provided in this act the town manager shall have the general powers and duties enumerated below.</p> <p>4.61 Administration and reorganization of departments and offices</p> <p>4.611 Supervision</p> <p>The town manager shall supervise and direct the efficient and responsible administration of all officers and employees appointed by the town manager and their respective offices and departments, and of all functions for which the town manager is given responsibility by the select board, or under the laws of the commonwealth, this act, and by-laws passed by town meeting.</p> <p>4.612 Examination of town records</p> <p>The town manager may without notice examine the records of any office or department under the manager's control and have access to all town books, papers, and electronic records for information necessary for the proper performance of the manager's duties.</p> <p>4.613 Reorganization</p> <p>The town manager may, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws reorganize, consolidate or abolish such departments or offices as are under the manager's authority, in whole or in part; establish such new departments or offices as the manager</p>
--	--	--

		<p>deems necessary; and transfer the duties, powers and appropriation when incidental to the reorganization of 1 department or office to another.</p> <p>4.62 Information and advice to the select board</p> <p>4.621 Attendance at select board meetings</p> <p>The town manager shall attend regular meetings of the select board except meetings at which the board considers the manager's salary, formulation of the manager's employment contract, and the manager's removal.</p> <p>4.622 Ensure records available to select board</p> <p>The town manager shall ensure that all town offices keep full and complete records which shall be available to the select board, and upon request to others as required by law.</p> <p>4.623 Advice about needs of the town</p> <p>The town manager shall keep the select board fully advised as to the needs of the town and shall recommend to the select board for adoption such measures requiring action by them or by the town as deemed necessary or expedient.</p> <p>4.63 Supervision of town properties</p> <p>The town manager shall have jurisdiction over the rental, use, maintenance, and repair of all town property except school property and property under the control of the town library trustees. The town manager shall be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings other than school buildings and buildings under the control of the library trustees. The town manager shall maintain and repair school buildings if and to the extent that the school committee requests, and the town manager shall maintain and repair buildings under the control of the library trustees if and to the extent that they so request.</p> <p>4.64 Supplies, contracts and approval of warrants</p> <p>4.641 Purchase of supplies</p> <p>The town manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments of the town except the schools and the town library unless, and to the extent that, the school committee or the trustees of the town library may request by signed requisition.</p> <p>4.642 Approval of warrants</p>
--	--	--

		<p>The town manager shall receive all warrants for the payment of town funds in accordance with section 56 of chapter 41 of the General Laws. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the select board shall approve all warrants in the event of a vacancy in the office of town manager.</p> <p>4.65 Prosecution of litigation</p> <p>The town manager shall have authority to prosecute, defend and compromise all litigation to which the town is a party and to employ special counsel whenever in the judgment of the select board it may be necessary.</p> <p>4.66 Other administrative duties</p> <p>4.661 Administer provisions of general and special laws</p> <p>The town manager shall administer either directly, or through a person or persons appointed in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws voted by town meeting and all regulations established by the select board.</p> <p>4.662 Other duties</p> <p>The town manager shall perform such other duties, consistent with the office, as may be required by state law, the by-laws of the town, or by vote of the select board or of the town meeting.</p> <p>4.7 Annual review of the town manager</p> <p>The select board shall conduct an annual review for the purpose of assessing the strengths and weaknesses of the manager's performance.</p> <p>The review shall be based on a written list of performance criteria developed by the select board. Copies of the criteria with an invitation to submit written comments shall be available to the public in the select board office. After due consideration the select board shall prepare a written report of its evaluation. The report shall be placed in the manager's personnel file and a written summary may be released to the public.</p> <p>4.8 Review at the end of the contract period</p> <p>The select board shall conduct an employment review at the end of the contract period to determine if the manager's employment contract should be renewed. In</p>
--	--	---

		<p>the event of the non-renewal of the manager's employment contract the provisions of Section 4.9 shall apply.</p> <p>4.9 Removal of the town manager</p> <p>The select board, by a vote of 3 or more members of the board, may remove the town manager by the following procedures: At least 30 days before such proposed removal shall become effective, the select board shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for the manager's proposed removal, a copy of which resolution shall be delivered to the town manager.</p> <p>The manager may reply in writing to the resolution and may request a public hearing. If the manager so requests, the select board shall hold a public hearing not earlier than 20 days nor later than 30 days after the filing of such request.</p> <p>After the public hearing, if any, otherwise at the expiration of 30 days following the filing of the preliminary resolution, and after full consideration, the select board by a vote of 3 or more members of the board may adopt a final resolution of removal.</p> <p>In the preliminary resolution, the select board may suspend the manager from duty, but shall in any case cause to be paid to the manager forthwith any unpaid balance of salary due in terms of the contract or salary for the next 3 calendar months following the filing of the preliminary resolution, whichever is greater. 5. Budgetary Process and Fiscal Management 5.1 Annual operating budget</p> <p>On or before January 16 of each year, the town manager shall submit to each member of the select board and finance committee a recommendation in writing of the appropriations for the town government for the ensuing fiscal year, showing specifically the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount recommended to be provided for each fund and department, together with a statement of the expenditures of the town for the same purpose in at least the 2 preceding years and an estimate of the expenditures for the current year.</p> <p>The manager shall also submit a statement showing all revenue received by the town in at least the 2 preceding fiscal years together with an estimate of the receipts of the current</p> <p>year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year and shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town. For the purpose of enabling the town</p>
--	--	--



		<p>manager to make up the annual estimate of expenditures, all boards, officers and committees of the town shall, upon the manager's written request, furnish all information in their possession, and before November 16 submit to the manager in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year. 5.2 Capital improvement program</p> <p>The town manager, with the advice of a joint capital planning committee comprised of representatives from the select board, finance committee, school committee and library trustees, shall develop a capital improvement program to be presented to the select board, finance committee, school committee and library trustees in time to be included in the finance committee report to the next annual town meeting.</p> <p>SECTION 8. Any reference to the Amherst Representative Town Meeting Act, chapter 10 of the acts of 1936, chapter 65 of the acts of 1951, chapter 1088 of the acts of 1973, and chapter 40 4 of the acts of 1998, or to the Amherst Town Manager Act, chapter 11 of the acts of 1951, in any statute, law, by-law, regulation, agreement, contract or other instrument, shall be deemed to refer to the Amherst Town Government Act.</p> <p>Approved December 29, 2001.</p> <p>[Charter: provisions of the act relating to Town Meeting as appearing in Section 7 of the act remain in effect until the Town Meeting is abolished as provided in this Charter.]</p>
2006 - 263	<b>An Act Further Regulating Voting Hours In The Town Of Amherst.</b>	<p>SECTION 1. Subsection 1.3 of section 7 of chapter 216 of the acts of 2001 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all registered voters of the town, shall be held on the same day and at the same places within this town as the select board shall in the warrant for such election direct, and the polls shall open at 7:00 a.m. and shall close at 8:00 p.m.</p> <p>SECTION 2. Subsection 2.42 of said section 7 of said chapter 216 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The polls shall open at 7:00 a.m. and shall close at 8:00 p.m.</p> <p>Approved August 16, 2006.</p>

NOTE: I find nothing in the Acts and Resolves for "Chapter 455 of the Acts of 1973," but I did find the following, and wonder if perhaps this was what was intended – in the Acts of 1983:

1983 – 455	<b>An Act Relative To The Licensing And Keeping Of Dogs In The Town Of Amherst.</b>	<p>SECTION 1. Notwithstanding the provisions of section one hundred and thirty-nine of chapter one hundred and forty of the General Laws or any other provision of law to the contrary, the annual fees to be charged by the town of Amherst for the issuance of licenses for dogs shall be as follows: unspayed females and unneutered males, twelve dollars, spayed females and neutered males, four dollars.</p> <p>SECTION 2. Notwithstanding the provisions of section one hundred and forty-seven of said chapter one hundred and forty or any other provision of law to the contrary, all money received for licenses or from the sale of dog licenses by the town of Amherst or recovered as fines or penalties by said town under the provisions of said chapter one hundred and forty relating to</p> <p>dogs, shall be paid into the treasury of said town and shall not thereafter be paid over by the town treasurer to Hampshire county.</p> <p>SECTION 3. Notwithstanding the provisions of section one hundred and thirty-seven of said chapter one hundred and forty or any other provision of law to the contrary, the registering, numbering, describing and licensing of dogs, if kept in said town, shall be conducted in the office of the town clerk of said town.</p> <p>SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, any animal pound, as defined in section one of chapter forty-nine A of the General Laws which is located in the town of Amherst is hereby exempt from the provision of section three of said chapter forty-nine A, and no such animal pound located in said town shall be permitted to deliver from its available impounded animals, any animal to a licensee as defined by said section one of said chapter forty-nine A for the purpose of scientific investigation, experimentation, instruction, or testing of drugs or medicine.</p> <p>Approved November 2, 1983.</p>
------------	---	---